PROPOSALS OF AMENDMENT

To Vermont's Constitution Made by Commission

REPORT TO GOV. PROUTY

Would Abolish "Time Lock," Give Veto Power to Governor, Change Date for State Election and Sitting of Legislature.

His Excellency, George H. Prouty,
Governor of Vermont:

The commission appointed by you, under the authority of a Joint Resolution (No. 419) approved Nov. 11th, 1908, to prepare and present to the next session of the general assembly proposals of amendment to the Constitution of Vermont, with suggestions in support of the same, have the honor to present the following:

PROPOSAL ONE

That Section 1 of Article (25) of the Amendments to the Constitution be amended to read as follows:

"Article (25), Section 1. At any session of the general assembly of this state the senate may, by a vote of a majority of its members, make proposals of amendment to the constitution of the state * * *"

(Continuing through Section 1 the same as now.)

The change in our constitution most needed at the present time is to remove the restriction which prevents any proposals of amendments oftener than once in ten years. This provision is in the 25th Article of Amendment, adopted in 1870, and is popularly known as the "time lock clause."

It ought not to be necessary to change frequently the fundamental law of a state. Much of the respect accorded a constitution is due to its permanency. The accepted ways to save constitutions from rapid changes at the mere whim of a majority are to require that proposals of change shall be adopted by a considerable majority of the voters or be passed upon more than once or be approved in more than one way.

The constitution of the United States was in the nature of a compromise contract and there were special reasons for guarding it against sudden and unnecessary changes; but there is no restriction in it, except a limitation long since expired, upon the time when proposals of amendment may be made. Nor do we know of any other state that has attempted to tie its own hands as the state of Vermont has done by the time lock clause.

The great changes occurring in the life of this state, in common with the whole country, raise novel questions which must be met as they arise. We are utterly opposed to the spirit, in recent years manifest in some of the newer states, of loading up a constitution with matters that belong to the statute books only. The method and number of times of consideration requisite for constitutional changes should continue to be exacting; but being so safe-guarded the people should be free to make such changes as the occasion requires. We are much more likely to hold to conservative, safe and sane changes if the possibility of making them always exists than if every tenth year the legislature is compelled to propose all the changes which can possibly be required during the following decennial.

The present requirement that a proposal cannot go to the house of representatives except by a two-thirds vote of the members of the senate is restrictive in the same way upon the right of initiative. It is inconsistent also with the fact that only a majority of the senate in the next legislature is required to concur in the proposal. There is no good reason why the proposal of constitutional changes should be more difficult than their adoption. Proposal One, therefore, also changes the vote of the senate necessary to propose amendments from two-thirds to a majority, the same as is required in the house of representatives the first session and in both houses upon concurrence the next session, and of the vote of the people upon final adoption.

PROPOSAL TWO

That Article (11) of the Amendments to the Constitution be amended to read as follows:

"Article 11). Every bill which shall have passed the senate and house of representatives, shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; if not, he shall return it, with his objections in writing, to the house, in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, two-thirds of the members present of the house shall pass the bill, it shall, together with the objections, be sent to the other house, by which it shall, likewise, be reconsidered, and, if approved by two-thirds of the members present of that house, it shall become a*law. * * **

(Remainder of Article the same as now.)

Our constitution contemplates that the governor shall have a voice in legislation by means of a veto power. The veto power given him by the 11th article of the amendments is not substantial and practically of little effect. The same majority which originally passed a bill can pass it over his objection. The result is that vetoes by governors have sometimes received but scant consideration and governors have often refrained from risking a veto which had so little effect.

It is a curious fact that while the veto power has declined until it has become practically non-existent in England, whence we take so largely our institutions, in this country it has been preserved and its use by the executive increasingly sustained by public sentiment. The reason is not far to find. In England the crown is hereditary and hence not representative of the people in the sense that the parliament is; but in this country the president as an elective officer is just as representative of the people as congress and the governors of states as their respective legislatures. Indeed, while our senators and representatives are elected by only local constituencies the governor is elected by the whole people.

The constitution of the United States and of thirty-two of the states require a two-thirds vote to pass a bill over a veto, some two-thirds of all the members and some only two-thirds of those present. If the governor is to have a constitutional part in law making, and we believe such is the desire of the people and that it is a wise provision, then more than a majority should be required to pass a bill over his objection.

PROPOSAL THREE

That Sections 1, 2, 4 and 5 of Article (24) of the Amendments to the Constitution be amended to read as follows:

"Article (24), Section 1. The general assembly shall meet biennally on the first Wednesday next after the first Monday of January, beginning A. D. 1915.

"Section 2. The governor, lieutenant governor, treasurer, secretary of state, auditor of accounts, senators, town representatives, assistant judges of the county court, sheriffs, high bailiffs, state's attorneys, judges of probate and justices of the peace, shall be elected biennally, on the first Tuesday next after the first Monday of November, beginning A. D. 1914.

"Section 4. The term of office of senators and town representatives shall be two years, commencing on the first Wednesday next after the first Monday of January following their election.

"Section 5. The term of the assistant judges of the county court, sheriffs, high bailiffs, state's attorneys, judges of probate and justices of the peace, shall be two years, and shall commence on the first day of February next after their election."

And that a new section, to be known as Section 6, be added as follows:

"Section 6. The persons who shall be severally elected in 1912 to the offices mentioned in this artice shall hold such offices until the term of their successors elected the first Tuesday next after the first Monday of November, A. D. 1914, shall begin as herein provided."

It has been suggested that the result of our September election in presidential years was something of an index of the tendency throughout the country of the presidential election to follow. Possibly holding our state election thus in advance of other states gives us some political importance; but it hardly could be said that such a consideration, whether imaginary or real, should materially affect a matter of state convenience and economy.

It would save the expense and trouble of two elections in presidential years to follow the practice of almost every other state and hold our freemen's meeting on the first Tuesday after the first Monday of November.

Such a change would naturally require the general assembly to convene early in January, which is almost the universal practice of the other states. That date ought to be equally if not more convenient for members and others who attend upon the legislature. It is understood that one of the original reasons for October sessions was to avoid the inconvenience of winter travel. With the advent of railroads that reason is no longer potent.

A change of date of the freemen's meeting and of the session of the general assembly would necessitate a change in the beginning of the term of certain officers. The governor and other state officers elected on the ticket with him could begin their term as now, when the general assembly has canvassed their votes and declared their election and they have qualified. (Amend. Art. 24, Sec. 3.) The term of office of senators and town representatives could also begin as now on the day appointed for the meeting of the general assembly. The term of office of assistant judges of the county court, sheriffs, high bailiffs, state's attorneys, judges of probate and justices of the peace, which now begin December 1st, could not begin until after the beginning of the session of the general assembly, as their votes have to be canvassed and their election declared by a committee of the general assembly. (Amend. Art. 20.) February 1st seems to be the earliest practicable date and is as near the beginning of the calendar year as the present provision, which makes their term begin December 1st.

PROPOSAL FOUR

That Section 14 of Chapter 2 of the constitution be amended to read as follows:

"Section 14. The votes and proceedings of the general assembly shall be printed (when one-third of the members of either house think it necessary) as soon as convenient after the end of each session, with the yeas and nays of the house of representatives on any question when required by ten members, and of the senate when required by two senators, (except where the votes shall be taken by ballot), in which case every member of either house shall have a right to insert the reasons of his vote upon the minutes."

The constitution now provides that any one member of the general assembly (meaning at the time of the adoption of the constitution the house of representatives) may require the yeas and nays to be called upon any question. This provision at times has been abused. It certainly invites dilatory tactics and puts it within the power of an individual member to unreasonably retard the progress of business. It is within common knowledge that the yeas and nays are often demanded for that purpose alone.

There is only one other state which gives one member that right, and that is the state of Delaware, whose lower house consists of only thirty-five members. Other states which have any constitutional provision on the subject require more than one member or else some fraction of the membership, like one-tenth, one-sixth or one-fifth. In the beginning the membership of the house of representatives was small and the right of one member to demand the yeas and nays then was a very different thing from permitting it now.

The size of the house requires that the right should appertain to a certain number of members instead of a certain fraction of the membership; otherwise, the determination of the fraction would practically result in making the same delay as the calling of the yeas and nays itself.

PROPOSAL FIVE

That Section 20 of Chapter 2 of the Constitution be amended to read as follows:

"Section 20. No person ought in any case, or in any time, to be declared guilty of treason or felony, by the legislature, nor to have his sentence upon conviction for felony commuted, remitted or mitigated by the legislature."

And that Section 11 of Chapter 2 be amended by omitting the words "and murder" where they occur therein.

Section 11 of Chapter 2, relating to the powers of the executive, provides that the governor "shall have power to grant pardons and remit fines, in all cases whatsoever, except in treason and murder; in which they (he) shall have power to grant reprieves, but not to pardon, until after the end of the next session of the assembly; and except in cases of impeachment, in which there shall be no remission or mitigation of punishment but by act of legislation." The inference is drawn from the above that the power to commute sentences for murder, which is withdrawn from the governor, was intended to be given to the general assembly, and the general assembly is accustomed to exercise that right, if not by inference from the passage quoted, then under its unrestricted sovereign powers.

The right to extend mercy to a person convicted of murder in the first degree being withdrawn from the governor by the constitution, Section 2366 of the Public Statutes provides, in order to permit the legislature to extend such mercy if it chooses, that "no person sentenced to suffer the punishment of death shall be executed previous to the first day of January after the close of the session of the general assembly following such sentence."

The execution of a death sentence is thereby usually postponed from one to two years, and an appeal to the legislature for commutation is practically always made. The attorneys and friends of the convicted man are not considered to have exhausted his defense until such an appeal is made and strenuously pressed. The result is that the case of every person convicted of murder in the first degree must be threshed over in the legislature, and the evidence and proceedings are supposed to be reviewed and reconsidered by a large body, neither trained nor intended for such work. If the purpose of such review is to see whether any mistake or error has been made in the trial, that is purely a judicial question and should appertain finally to the supreme court. If it be a question of mercy, it is a principle common to all American constitutions that such a question is executive and should appertain to the governor or a pardoning board.

There are special and justifiable reasons why the power to remit or mitigate punishment in case of treason or impeachment might be taken from the governor, as such cases often involve executive officers or else affect the general public safety; but neither of those considerations apply to the case of murder. The consideration of individual murder cases by the legislature is an assumption of either judicial or executive powers, or both, and contrary to the spirit of Section 6 of Chapter 2 of the Constitution, which provides that "the legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other."

It is a fundamental principle of our institutions that legislative bodies shall not determine individual cases of crime. Section 10 of Article 1 of the Constitution of the United States forbids any state to "pass any bill of attainder," that is "a legislative act which inflicts punishment without a judicial trial." (Cummings vs. Missouri, 4 Wall., 277.) And Section 20 of our constitution now provides "that no person ought in any case, or at any time, to be declared guilty of treason or felony by the legislature." The legislature is forbidden to try a man for murder and there is no justification in principle for it to "untry" him.

The present practice under which all convictions of murder in the first degree are reviewed, and practically must be reviewed, by the legislature, is subversive of a very fundamental principle of criminal law, that punishments in order to be deterrent should be quick and sure. It occupies the time of the legislature with the consideration of questions upon which it is poorly fitted to pass. It arouses a morbid sympathy for condemned murderers, unsettles the faith of the people in the results of murder trials and tends to make a spectacle of the administration of justice. If the people of the state desire to abolish capital punishment the legislature should do so by a general law and not by special legislation in substantially every individual case.

If the power to commute, remit or mitigate sentences in cases of felony is taken from the legislature as proposed, then the elimination of the words "and murder" from Section 11 becomes necessary, as to cover all contingencies the power to grant mercy should be left somewhere.

PROPOSAL SIX

That there be added to the Constitution a new Amendment to be known as Article (29), as follows:

"Article (29). No senator or representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the general assembly, nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the people."

The long existing practice of members of the legislature being candidates for election to office by the joint assembly is wrong in principle and pernicious in its influence. It lessens their independence as legislators and mixes in an unfortunate way elections and legislation, which ought to be entirely disassociated. The practice is also unfair to other candidates before the joint assembly who are not members of the legislature.

The appointment by the governor of a member of the legislature to an office which has been created or the salary of which has been increased during his term is also contrary to one of the most common provisions of American constitutions. Section 6, Article 1 of the United States Constitution provides that "no senator or shall have been created, or the emoluments whereof shall have been increased during such time." This provision of the federal constitution or something very like it has been established in thirty-two states.

time." This provision of the federal constitution or something very like it has been established in thirty-seven states.

Such a provision alone is not sufficient for our purpose, because our system of election by the joint assembly, which is peculiar to Vermont and a few other states, is more exposed to abuse in this respect than appointments by the executive. The proposal recommended is an exact copy of Section 30, Article 4 of the constitution of the state of Indiana and seems to us to meet all the requirements.

PROPOSAL SEVEN

That a new Amendment be added to the Constitution, to be known as Article (30), as follows:

"Article (30). No corporation shall be created by special laws or its charter extended, changed or amended, except those for municipal, charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage or control of the state; but the general assembly shall provide by general laws for the organization of all corporations hereafter to be created. All general laws passed pursuant to this article may be altered from time to time or repealed."

In 1904 only 248 pages of the printed laws were devoted to public acts while 292 pages were devoted to acts granting special charters or amending existing charters of private and municipal corporations. In 1906 there were 266 pages devoted to public acts and 471 pages to special corporate legislation. In 1908 there were 266 pages devoted to public acts and 348 pages to special corporate legislation.

This special legislation not only makes up the great bulk of the printed laws but it occupies a good deal of the time of the legislature which ought to be devoted to general public questions. It is quite impossible for the legislature as a whole to examine the details of special corporate legislation. It is largely handled by committees, and their ideas of what is essential and non-essential vary much from session to session.

The result of special corporate legislation is the destruction of all uniformity, the granting oftentimes of privileges which ought not to be granted, the omission in many instances of safeguards which ought to be preserved, the confusion of questions of broad public policy with someone's desire to gain a special privilege, and the diversion of the mind of the legislature from its real public duties.

The proper office of the legislature in this regard should be to carefully formulate reasonable general corporation laws, the benefits of which shall be uniformly available to all who will comply with their conditions. Corporations of a certain kind require different privileges from corporations of another kind; but there is no reason why all corporations of the same class and under like conditions should not enjoy the same privileges. There is no more reason why corporations of the same class should have varying rights and privileges than there is why individuals should have. The seeking and giving of special privileges to particular corporations is one of the greatest reproaches upon the corporation system.

With some small qualifications and a few recognized general exceptions, the constitutions of forty states prohibit their legislatures from passing special acts of incorporation and require charters to be obtained under general laws, and many of them prohibit any special private corporate legislation. The provisions of the different constitutions may be grouped under a few types. The type followed by the most states is that of the Illinois constitution, which is substantially the proposal recommended.

In twenty-three or more states municipal corporations can only obtain charters under general laws. The granting of varying charters to the numerous small villages in this state, though not so objectionable as private corporate legislation, is subject to much of the same criticism. Some general municipal law broad enough to meet the requirements at least of all villages would be very desirable; but it has not seemed to us best to include in the above proposal any constitutional limitation upon municipal legislation.

PROPOSAL EIGHT

That the annexed draft of a new Chapter 2 of the Constitution marked Exhibit 1 (or such modification of it as may be decided to most correctly express the existing provisions) be adopted to take the place of present Chapter 2 and the existing 28 articles of amendment.

This proposal is not intended either to add to or take from the present constitution as now in force, but simply to put it in convenient and usable form.

The existing constitution of Vermont was established July 9, 1793. It has been amended five different times—in 1828, 1836, 1850, 1870 and 1883. These amendments cover twenty-eight articles, some of them containing more than one section.

Article 18 of the amendments provides that such parts and provisions only of the constitution as are altered or superseded by any of the first twelve articles of amendment or are repugnant thereto shall thereafter cease to have effect. Although unexpressed, such is also the effect of all later amendments. The amendments have never been written into the constitution; but the constitution entire and the amendments entire are printed together and what has been altered or superseded by any of the amendments or is repugnant thereto remains entirely a matter of interpretation, except the 43rd section specifically abrogated by Amendment Article 25, Section 4.

Of the forty-three sections of Chapter 2, fourteen have been amended one or more times, and of the twenty-eight articles of amendment six also have been amended. There are twenty sections or articles, therefore, which no longer stand as they read.

Section 9 is an extreme example of the extent to which these changes, unexpressed in the text itself, have gone. This section relates to the powers of the house of representatives and is still printed in the constitution as originally adopted.

1. It provides that they shall meet the second Thursday of October. The date now is the first Wednesday of October. (Amend. Art. 24.)

2. It provides that they shall be styled the general assembly. The correct name is the house of representatives. (Amend. Art. 2.)

3. It provides that they shall have power to choose a secretary of state. Amendment Art. 10 provides that this officer shall be chosen by the joint assembly, and Amendment Art. 28 provides that he shall be elected by the people.

4. It gives the house authority to sit on their own adjournment. Amendment Art. 3 limits their right to adjourn without the consent of the senate to not more than three days.

5. It provides that they may annually elect certain officers. That is now biennially. (Amend. Art. 24 and 26.)

6. It provides that they shall elect these officers in conjunction with the council. That is now in conjunction with the senate in joint assembly. (Amend. Art. 10.)

7. It provides that they may elect sheriffs. These officers must be elected by the people. (Amend. Art. 15.)

8. It provides that they may elect judges of probate. These officers must be elected by the people. (Amend. Art. 17.)

9. It provides that they may elect justices of the peace. These officers are elected by the people. (Amend. Art. 18.)

10. It provides that they may elect judges of the county court. The assistant judges of the county courts must be elected by the people. (Amend. Art. 14.)

11. It provides in one part of the section that they may prepare bills and enact them into laws, in another that they may grant charters and in still another that they shall have all other powers necessary for the legislature of a free and sovereign state. They now can do these things and have legislative powers only in concurrence with the senate. (Amend. Art. 3.)

The result is that if one turns to Section 9 to see what the powers of the house of representatives are he will find that it states them incorrectly in at least eleven particulars; nor can he ascertain what the true sense of Section 9 at present is until he has carefully studied the same in connection with ten different amendments. The courts and the bar can of course determine what the constitutional provision on a given point may be, although some provisions by this system of amendments have been left obscure; but to the average layman Chapter 2 of the constitution and its amendments abound in inconsistencies, and in parts are unintelligible to those who are not trained in determining whether one provision technically supersedes another or is repugnant thereto.

The fundamental law of the state, which ought to be the simplest and most easily understood of all, has by the process of years become the most complicated. As a handbook for students, and surely an acquaintance with the constitution of our state ought to be a part of the education of at least every high school student, it is most unsatisfactory.

In the last fifty years we have been compelled to rewrite our public statutes four times, in 1862, 1880, 1894 and 1906, simply for the purpose of conveniently and logically writing into the statutes the amendments then existing. The same considerations which make that desirable and necessary in the case of the statutes make it even more desirable and necessary in the case of the constitution.

The draft submitted is intended to be a simple expression of the chapter with its amendments as it in fact now is, preserving so far as possible its archaic language, but rearranging the order of sections so as to group together those which relate to one subject.

CONCLUSION

We recognize that the foregoing proposals will undoubtedly seem to some to go too far and to others not to go far enough; but we unanimously recommend them to the careful consideration of the next legislature and of the people of the state. There is ground for honest difference of opinion as to some of the details of the present plan of government. There are some incongruities which if the constitution were being generally revised it would probably be thought best to remove; and there are other safeguards than those we have recommended being introduced into the constitutions of other states which might perhaps profitably be brought into our own. We have not, however, thought it best to propose too much.

In the first place, although the wording of the resolution is broad enough to permit us to make any proposals we choose, in fact its spirit did not contemplate that we were to attempt any general revision of the constitution. A general revision should be the work, if not of a constitutional convention, at least of a commission of general and very representative character and embody the result of full, deliberate and open public discussion.

In the next place, we are not persuaded that there is in fact at the present time and under present conditions a necessity for any such general revision. If the time lock clause is eliminated (see Proposal One) and the possibility exists of initiating amendments at any session of the legislature, the discussion of constitutional questions will be encouraged, and whenever the people desire a general revision or a radical change it will be manifested in some plain way.

To shorten this report, and for the purpose of the report only, the form of the proposal is in some cases indicated without actually reprinting in full the section as proposed to be amended. If the proposals or any of them are approved by the legislature they should express the sections in full as amended, in the way now most commonly accepted for the expression of any amendment either to constitutions or statutes. In that way any amendments adopted can be inserted in their proper place without being left to be interpreted in, and the difficulty in that regard with the present amendments will be avoided.

If Proposal Eight should be approved and submitted, then the other proposals should be so stated that they would not only automatically fit into the present Chapter 2 and Amendments, but also into the revised Chapter 2 if it should be adopted.

We recommend that all amendments be submitted individually so that the rejection of one may not necessarily involve the rejection of the others.

Respectfully submitted,
Frank C. Partridge, Proctor.
Frank L. Greene, St. Albans.
Allen M. Fletcher, Cavendish.
Willis N. Cady, Middlebury.
Matthew G. Leary, Burlington.

ENDED BEFORE BEGUN

By ANNA WOODBRIDGE.

I have had a love affair of which I was not conscious till it was all over. How could this be? Listen and I will tell you.

I went to Paris to study art. I was then a girl of nineteen. I lived in a pension occupying one floor of a five story building. There was an elevator, one of that foreign kind which you enter, shut the doors, press a button, and the cage takes you up, stopping at your door. I lived on the fourth floor. Sometimes I used the elevator and sometimes walked up or down the staircase. One day when ascending on foot a door opened at the third landing and a young man came out and met me on the staircase. He was very handsome, with great, dreamy eyes, and faultlessly dressed. I wished to look at him, but he kept his eyes fixed on me, and I felt constrained to turn mine away.

There was that about him which made me desirous to see him again, but we did not happen to meet for several days. Then we met quite frequently. I was so conceited as to think that he learned the hour when I came from the art school and met me purposely. Possibly he might have watched at a window for me to enter the building. At any rate, we met so frequently that I felt I had reason to suspect that it was not all accidental.

After awhile he began to raise his hat to me when he passed. I replied to his salute with a nod which I tried to make appear indifferent. There was nothing presuming in his notice of me, only civility, indeed, his manner was so deferential as well as engaging that I was quite won by it. In time he gave me a scarcely perceptible smile in passing. I did not return it. I was brought up in America with the understanding that if you give a Frenchman an inch he will take an ell.

Nevertheless the time came when there was occasion for me to speak to him. I was carrying some sketches up to my room, and one slid out of my portfolio and fluttered down the staircase. He ran down after it, picked it up and handed it to me. His lips wore one of his sweet smiles, and he looked things unutterable with his eyes. Of course I thanked him, but that was all. I passed on up to my abiding place and entered without a look behind me.

One day I became aware that another person was interested in me. As I entered the building where I lived I saw a face at a window opposite. It was the face of a man, and he stared at me. Indeed, it was so evident that I was an object of marked importance to him that I felt troubled. I ran into the house, took the elevator and was lifted to my pension. After that every day when I went home the man opposite was at his window, and every time he stared at me. Finally I delayed or anticipated my arrival in order to escape him.

There was such a contrast between his manner and that of the young man on the floor below me that I rather warmed to the latter. The next time I met him I spoke a few trivial words to him. He replied in kind, treating my action as a matter of mere politeness, and passed on. After that when I met him I encouraged him to make my acquaintance. Finally I told him of the man across the street who stared at me. The truth is I craved protection. My friend was sympathetic, but nothing more.

The next day I had occasion to go out to do an errand in the early morning. I had just closed the door behind me when I heard a door open on the floor below and my friend appeared. He waited for me till I came down to him. I noticed that he was dressed all in black. Not a white speck was visible, even at his throat. I asked if he had lost any one dear to him, and he said he had not. He regarded me with a singular expression, which I could not interpret, but it seemed to me such an expression as a man to whom I belonged might wear or that of one who was making a sacrifice for me. We walked down to the street together. A carriage was standing at the door. My friend looked at me earnestly, lifted his hat, got into the carriage and was driven away. I went on to the art school, where I became engrossed in my studies and was oblivious to all else.

When I went home by a rapid glance I satisfied myself that the face I dreaded was not at the window. I hoped I would meet my friend on the stairs, I did not. Nor did I again meet him. A week passed, another, a third, and I did not see him. What did it mean? Had he left the place without speaking of his going to me? I was astonished at myself for expecting him to inform me of his intentions.

I tried to forget all about him, but failed signally. I lost interest in my studies. I lay awake nights. At last, when I could endure to remain uninformed no longer, I knocked at the door from which I had so often seen him come out, determined to learn the truth.

I was received by a lady, who gave me a pressure of the hand and a melancholy, sympathetic smile.

"He roomed in my apartments," she said. "He gave me his confidence. He loved you and lost his life as your protector. The morning you last met him he was killed in a duel with the man of whom you complained to him."

I stood staring at the woman in mute astonishment. A man had loved me, had died for me, and yet we had not exchanged a word of love.

I have never married, and there is no possibility of my marrying.

Polo on the Pacific Coast.

The Meadowbrook polo team members, holders of the American polo cup, whom the Hurlingham club of England will challenge for the championship, have announced that they will play all this winter in California.